



ATTORNEY'S DOCKET NUMBER: 0492611-0326 (MIT 8151)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Langer *et al.*
Serial No.: 09/553,552
Filed: April 20, 2000
For: ENDOSOMOLYTIC AGENTS AND CELL DELIVERY SYSTEMS

Examiner: Nguyen, D.
Art Unit: 1643

Assistant Commissioner for Patents
Washington, DC 20231

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Sir:

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Responsive to the Restriction Requirement mailed June 19, 2001 (Paper Number 6), Applicant respectfully elects the species, ortho-ester, for prosecution on the merits. Given the election of ortho-ester, Applicant further elects the species, N-[2-methyl-1,3-O-ethoxyethylidinepropanediol]methacrylamide (claim 14). Applicant also elects linear co-polymer (claims 15 and 20), antibodies (claim 16), and anti-sense agents (claim 35). With respect to claim 45, Applicant has *excluded* the species chloroquine, polyethyleneimine, fusogenic peptides, inactivated adenoviruses, and combinations thereof, and therefore, Applicant respectfully submits that since these species are excluded, it is impossible for Applicant to elect one for examination purposes.

Applicant thanks the Examiner for careful consideration of this case. Please charge any fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.
Registration Number: 46,533

Choate, Hall & Stewart
Exchange Place
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Date: July 17, 2001

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Sir:

TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Response to Restriction/Election Requirement
- 2) Return Postcard

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.
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on July 17, 2001
Karen E. Lopez